

## REMARKS

The above-identified patent application has been reviewed in light of the Office Action dated as having been mailed on August 15, 2005. Claims 3, 12, 14, 15, 28, and 39 have been amended without intending to abandon or to dedicate to the public any patentable subject matter, no claims have been cancelled, and Claims 25-27 have been allowed. Therefore, Claims 1-46 are pending. As set forth more fully below, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

The present invention relates to emergency telephone services, and in particular, to the routing of emergency services calls from call centers to public safety answering points and to the provision of data in connection with such calls. It allows an emergency service call center to route a call or request for emergency services automatically to the correct public safety answering point and provide the PSAP with pertinent information (*e.g.*, latitude and longitude, street address, vehicle collision data, etc.) related to the caller. In addition, the present invention allows the use of the public switched telephone network to deliver the emergency service calls received by an emergency service call center to an appropriate PSAP and to have the call treated as any other 9-1-1 call (*i.e.*, as a native 9-1-1 call).

**Claims 1-46 stand rejected “under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,671,742.** Applicant notes that this patent is titled “Method and Apparatus for Unifield Control and Data Event Exchange in a Software System,” the inventors of which are identified in the assignment records of the USPTO as Charles Cranor, Raman Gopalakrishnan, and Peter Onufryk. Those records also show assignments from inventors Cranor and Gopalakrishnan to AT&T Corp, but no other assignments. Inasmuch as none of the inventors or assignees of the patent cited as the basis for a non-statutory double patenting rejection are the same as any of the inventors or assignee of the present application, Applicant respectfully requests withdrawal of such rejection.

A terminal disclaimer with respect to the pending application with regard to a different U.S. patent, namely U.S. Patent No. 6,771,742, is filed herewith.

**The Examiner states that the limitation “said fourth identifier” in Claim 3 has insufficient antecedent basis in the claim.** Claim 3 has been amended to replace “said

fourth identifier” with “said second request identifier,” the antecedent for which is found at line 2 of Claim 3.

**The Examiner states that the limitation “said first location information” in line 5 of Claim 2 has insufficient antecedent basis in the claim.** There is no “line 5” in Claim 2. However, in line 5 of Claim 28, the term “said first location information” appears. It may have been this term to which the Examiner’s comment was directed. This term has now been amended by deleting the word “said,” and therefore no longer refers to an antecedent.

**Claims 1-3, 5-11, 13, 14, 16, 18-24, 28-31, 32-33, 35-36, 37-43, and 45-46 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,310,726 to Asmuth. (“Asmuth”).** In order for rejection under 35 U.S.C. §102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference. (MPEP §2131). However, each and every element of the rejected claims cannot be found in the cited reference. Moreover, the *Asmuth* device cannot operate to achieve the result of Applicant’s invention, and thus cannot form the basis of a rejection under 35 U.S.C. §102. (U.S. v. Adams, 383 U.S. 39, 50, 86 S. Ct. 708, 15 L. Ed. 572, 1966; Smith v. Snow, 294 U.S. 1, 17, 55 S. Ct. 279, 79 L. Ed. 721, 1985) Therefore, reconsideration and withdrawal of the rejections of Claims 1-3, 5-11, 13, 14, 16, 18-24, 28-31, 32-33, 35-36, 37-43, and 45-46 are respectfully requested.

**Claim 1** recites receiving location information. *Asmuth* does not disclose receipt of location information. Instead, *Asmuth* discloses receipt of a directory number (Col. 5, lines 59-63), but not location information. Indeed, *Asmuth* teaches away from the receipt of location information by expressly assuming location information (Col. 4, lines 54-56).

Such assumption of location information confirms that *Asmuth* cannot perform the function of applicant’s invention, because such assumption of location is at the heart of the shortcoming in the prior art means of routing emergency calls which Applicant’s invention overcomes. As noted at Page 2, lines 5-7 of Applicant’s specification, the prior art means of routing an emergency call requires that the “. . . call must originate from within the serving area of telephone company switching equipment interconnected to the appropriate public

safety answering point.” *Asmuth* explains why this is so (that calls must originate from within the serving area) at Col. 4, lines 6-14.

At Col. 4, lines 6-14, *Asmuth* notes that “A list of stations served by an originating telephone office is maintained at the data base.” It is this list on which *Asmuth* depends in order to function. It is only stations on this list for which *Asmuth* can route calls. Information about calling stations that are not served by the telephone office (e.g., those located outside of the area served by that telephone office, mobile or cellular phones, so-called VoIP phones, and other wireless or non-PSTN communication devices) is not included in the list. Therefore, calls originating from such calling stations cannot be handled by *Asmuth*. Such calls can be handled by Applicant’s invention, because Applicant teaches routing based on location rather than directory number.

Applicant’s invention is fully capable of routing calls from a communication device that is not included on the *Asmuth* list, such as mobile phones, VoIP phones, and calling stations located outside of the area served by the telephone office that is interconnected with the PSAP to which the call is to be delivered. For example, *Asmuth* cannot and does not disclose how to route a call originating in New York City to a PSAP that is interconnected with a telephone office located in San Francisco. Why? Because the telephone office interconnected with the PSAP in San Francisco would have on its *Asmuth* list only those calling stations that it serves (Col. 4, lines 6-8), not a calling station located in New York City. Applicant’s invention is able to route the call from New York City to the San Francisco PSAP as described in Applicant’s specification.

Inasmuch as *Asmuth* is cannot operate as Applicant’s invention, *Asmuth* cannot form the basis of rejection under 35 U.S.C. §102.

In addition, Claim 1 recites “determining a first emergency service zone that includes a first location identified by the received first location information.” An emergency service zone is known to those skilled in the art as a geographic area served by a single PSAP (which can serve multiple emergency service zones) and containing a unique combination of emergency service agencies (police, fire, medical). See for example, page 290 of *Newton’s Telecom Dictionary*, 19 Edition, published by CMP Books, San Francisco. *Asmuth* does not

disclose determination of an emergency service zone as recited in Claim 1. Claim 1 recites association of a location (identified by the received first location information) with an emergency service zone. *Asmuth* does not disclose receipt of location information (but rather, assumes a location), and therefore is incapable disclosing association of a location with an emergency services zone. Instead, *Asmuth* associates a directory number with “an address of a fictitious number table (FNT). See, Col. 5, lines 59-66 and Col. 6, lines 6-25.

Claim 1 recites associating a first request identifier with the first request for emergency services. *Asmuth* does not disclose any such first request identifier. *Asmuth* discloses only that a call “is forwarded in a conventional manner using the assigned fictitious number . . .” See, Col. 7, lines 40-46 and 50-51.

Therefore, for at least these reasons, Claim 1 is not anticipated by *Asmuth*, and the rejection of Claim 1 should be reconsidered and withdrawn.

**Claims 2-13** Inasmuch as *Asmuth* does not disclose each and every element of the invention as set forth in Claim 1, and is not operable as the claimed invention, it likewise does not disclose each and every element of the invention set forth in any of Claims 2-13 which depend from Claim 1, nor is the *Asmuth* disclosure operable as the invention recited in Claims 2-13..

Therefore, for at least these reasons, Claims 2-13 are not anticipated by *Asmuth*, and the rejection of these claims should be reconsidered and withdrawn.

**Claim 14** Claim 14 recites receipt of location information. As noted above, *Asmuth* does not disclose receipt of any location information, but rather, discloses receipt of a directory number. Consequently, *Asmuth* cannot and does not disclose “assigning a first identification key to the first location information,” as recited in Claim 14, nor “storing the first location information,” nor “in response to the query, providing the first location information to the third network node,” all as recited in Claim 14 (as amended). Moreover, *Asmuth* does not disclose receipt of a query for such location information from a third network node, nor providing such location information in response to such query.

Therefore, for at least these reasons, Claim 14 is not anticipated by *Asmuth*, and the rejection of Claim 14 should be reconsidered and withdrawn.

**Claims 15-24** Inasmuch as *Asmuth* does not disclose each and every element of the invention as set forth in Claim 14, and is not operable as the claimed invention, it likewise does not disclose each and every element of the invention set forth in any of Claims 15-24 which depend from Claim 14, nor is the *Asmuth* disclosure operable as the invention recited in Claims 15-24.

Therefore, for at least these reasons, Claims 15-24 are not anticipated by *Asmuth*, and the rejection of these claims should be reconsidered and withdrawn.

**Claim 28** As noted above, *Asmuth* does not disclose obtaining location information related to a request for emergency services. Instead, *Asmuth* discloses receiving a directory number which identifies a calling station, but not a location. Consequently, *Asmuth* cannot and does not disclose “providing said first location information.” Moreover, *Asmuth* does not disclose the use of both a “first routing number” and a “first unique identifier,” but rather only discloses the use of an FNT. For this reason, *Asmuth* does not, and is not capable of, routing a first request “wherein the first routing number is used as a called number and the first unique identifier is used as a calling number.”

Therefore, for at least these reasons, Claim 28 is not anticipated by *Asmuth*, and the rejection of Claim 28 should be reconsidered and withdrawn.

**Claims 29-31** Inasmuch as *Asmuth* does not disclose each and every element of the invention as set forth in Claim 28, and is not operable as the claimed invention, it likewise does not disclose each and every element of the invention set forth in any of Claims 29-31 which depend from Claim 29, nor is the *Asmuth* disclosure operable as the invention recited in Claims 29-31.

Therefore, for at least these reasons, Claims 29-31 are not anticipated by *Asmuth*, and the rejection of these claims should be reconsidered and withdrawn.

**Claim 32** As noted above, *Asmuth* does not deal in location information, but rather, it deals in a directory number, i.e., identity of a calling station, not location. Consequently, *Asmuth* cannot and does not disclose “store first information regarding a location” as recited in Claim 32. Nor does *Asmuth* disclose a “query comprising the first information regarding the location from which the first request for emergency services originated” being

transmitted by the call center system. Further, *Asmuth* does not disclose both a first identifier and a second identifier as recited in Claim 32, nor does it disclose associating said second identifier “as a calling number.”

Therefore, for at least these reasons, Claim 32 is not anticipated by *Asmuth*, and the rejection of Claim 32 should be reconsidered and withdrawn.

**Claims 33-36** Inasmuch as *Asmuth* does not disclose each and every element of the invention as set forth in Claim 32, and is not operable as the claimed invention, it likewise does not disclose each and every element of the invention set forth in any of Claims 33-36 which depend from Claim 32, nor is the *Asmuth* disclosure operable as the invention recited in Claims 33-36.

Therefore, for at least these reasons, Claims 33-36 are not anticipated by *Asmuth*, and the rejection of these claims should be reconsidered and withdrawn.

**Claim 37** As noted above, *Asmuth* determines an FNT based on a directory number, and does not deal in the location of a communication device as recited in Claim 37. Therefore, *Asmuth* does not disclose “determining the geographic location of the communication device” as recited in Claim 37, nor does *Asmuth* disclose correlating that geographic location to a public safety answering point, also as recited in Claim 37. Rather, *Asmuth* discloses correlating a directory number to an FNT associated with a PSAP. *Asmuth* further fails to disclose the use of an “identification key,” as recited in Claim 37, and does not disclose “providing geographic location information to the public safety answering point over a second communication network.” On this point, the Examiner refers to 18 in figs. 1-5, yet the only narrative discussion involving 18 is as follows, found at Col. 7, line 66 to Col. 8, line 4, and Col. 8, lines 14-16 and 18-20:

“To determine the identity of the calling station in accordance with the invention, the microprocessor (not shown) of PSAP 13 formulates and transmits a data message comprising its assigned fictitious office code 099 and the fictitious line number 0003 to database 20 via data link 18.”

“The calling station identity (station number) is obtained from the associated slot 49 of word 4. . . . The station identity is then formulated into a data message along with the fictitious number and the data message transmitted to PSAP 13.”

Thus, *Asmuth* discloses transmission of “station identity” in the form of a “station number,” but not geographic location information as recited in Claim 37.

Therefore, for at least these reasons, Claim 37 is not anticipated by *Asmuth*, and the rejection of Claim 37 should be reconsidered and withdrawn.

**Claims 38-46** Inasmuch as *Asmuth* does not disclose each and every element of the invention as set forth in Claim 37, and is not operable as the claimed invention, it likewise does not disclose each and every element of the invention set forth in any of Claims 38-46 which depend from Claim 37, nor is the *Asmuth* disclosure operable as the invention recited in Claims 38-46.

Therefore, for at least these reasons, Claims 38-46 are not anticipated by *Asmuth*, and the rejection of these claims should be reconsidered and withdrawn.

**Claims 2-3, 5-11, 13, 16, 18-24, 29-31, 33, 35-36, 38-43, and 45-46** Applicant respectfully disagrees with many of the Examiner’s characterizations. For example, *Asmuth* does not teach “location information does not comprise a telephone number.” The service code to which the Examiner refers (Col. 6, lines 50-54) is never disclosed as being used in the manner in which “location information” is recited in these claims. Instead, the cited disclosure says:

“Each of the FNTs contains in its first word 1 a service code which defines the type of emergency answering bureau, or PSAP, that is associated with the FNT.”

Claim 1, from which Claims 2 and 3 depend, recites with respect to “location information” the following:

“receiving first location information regarding a first request for emergency services;

“determining a first emergency service zone that includes a first location identified by said received first location information.”

The service code cited above, which defines the type of PSAP associated with an FNT does not identify a location as recited in Claim 1, and therefore cannot be used to determine a first emergency service zone that includes such location.

With reference to the clause “determining a second location information,” the Examiner says, “for example municipality B, fig. 1.” Whether or not “second location information” reads on “municipality B,” *Asmuth* fails to disclose determination of a second location information as recited in the claims. Instead, *Asmuth* discloses an assumption that lies at the very foundation of its disclosure, namely that station 11 is assumed to be in municipality B and station 10 is assumed to be in municipality A. That is, *Asmuth* does not disclose determining the location of station 11 or station 10 as recited in Applicant’s claims; it merely expresses an assumption that is made for the purposes of the disclosure in *Asmuth*.

Although the Examiner asserts that *Asmuth* teaches several limitations found in Applicant’s claims, only occasionally does the Examiner point to specific structure disclosed in *Asmuth* that correlates to limitations in Applicant’s claims. For this reason, Applicant respectfully requests the Examiner to identify particular structure in *Asmuth* which correlates to each of the numerous limitations in Applicant’s claims which the Examiner has enumerated in pages 5-9 of the current Office Action, for which the Examiner has not yet identified such particular structure.

For example, on Page 6, lines 13-16, the Examiner asserts that *Asmuth* teaches “in response to the request, returning the stored location information, request is received as a query from a first public safety answering point, wherein stored location information is returned to the first public safety answering point.” While the Examiner does note “for example 13, fig. 1” after the words “first public safety answering point,” the Examiner cites no other structure disclosed by *Asmuth* to correspond with “request,” “stored location



information,” “returning the stored location information,” or “wherein stored location information is returned to the public safety answering point.”

In light of the foregoing, Applicant respectfully disagrees with the Examiner’s assertion that *Asmuth* teaches each of the limitations cited in Pages 5-9 of the Office Action. Moreover, in order for rejection under 35 U.S.C. §102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in *Asmuth*. It not being shown where each and every element of the rejected claims can be found in *Asmuth*, the rejection of Claims 2-3, 5-11, 13, 16, 18-24, 29-31, 33, 35-36, 38-43, and 45-46 under 35 U.S.C. §102 is improper. Therefore, reconsideration and withdrawal of the rejections of each of these claims are respectfully requested.

**Claim 12** stands rejected under 35 U.S.C. §103 as being unpatentable over *Asmuth* in view of Donnelly et al. (US Patent 6,076,028, “*Donnelly*”). In order to establish a *prima facie* case of obviousness under §103, there must be some suggestion or motivation to modify the references or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations. (MPEP §2143). As set forth below, the cited references do not disclose each and every element set forth in the claims, whether those references are considered alone or in combination, nor is there a reasonable expectation of success in combining the teachings of the references, nor is there any suggestion or motivation contained in the references to combine them. Accordingly, reconsideration and withdrawal of the rejections of Claim 12 as obvious are respectfully requested.

For the reasons stated above with respect to Claims 1 and 11, *Asmuth* fails to disclose each and every element of the invention as set forth in Claims 1 and 11, and therefore fails to disclose each and every element of the invention set forth in Claim 12, which depends from Claims 1 and 11.

There is no suggestion in either of the cited references to combine their teachings. Moreover, substitution of an automatic collision notification center from *Donnelly* in place of the data base 20 of *Asmuth* (on which the Examiner states that Applicant’s emergency service

call center reads) would be yield a nonfunctional result because basic components of the PSTN described in *Asmuth* would be eliminated.

The Examiner states that one component of the Applicant's claimed emergency service call center system, namely an "input to from a communication network" reads on local office 12 in *Asmuth*. (See page 4 of Office Action, under "Regarding claim 32"). Likewise, the Examiner states that the call center manager of Applicant's emergency service call center system reads on the traffic service position system (TSPS) 16 of *Asmuth*. Further, the Examiner states that something outside of Applicant's claimed emergency service call center system, namely the communication network, reads on the same local office 12 in *Asmuth*. Replacing all of these elements by the automatic collision notification center of *Donnelly* would eliminate the very telecommunications network with which the *Donnelly* notification center must interact, causing the combination to be nonfunctional.

Therefore, for at least these reasons, Claim 12 is not obvious in view of the *Asmuth* and *Donnelly* references. Accordingly, the rejection of Claim 12 should be reconsidered and withdrawn.

**Claims 15, 17, and 44** stand rejected under 35 U.S.C. §103 as being unpatentable over *Asmuth* in view of Contractor (US Patent 6,847,824, "*Contractor*"). In order to establish a *prima facie* case of obviousness under §103, there must be some suggestion or motivation to modify the references or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations. (MPEP §2143). As set forth below, the cited references do not disclose each and every element set forth in the claims, whether those references are considered alone or in combination, nor is there a reasonable expectation of success in combining the teachings of the references, nor is there any suggestion or motivation contained in the references to combine them. Accordingly, reconsideration and withdrawal of the rejections of Claims 15, 17, and 44 as obvious are respectfully requested.

**Claims 15 and 17** For the reasons stated above with respect to Claim 14, *Asmuth* fails to disclose each and every element of the invention as set forth in Claim 14, and therefore

fails to disclose each and every element of the invention set forth in Claims 15 and 17, which depend from Claim 14.

There is no suggestion in either of the cited references to combine their teachings. Moreover, substitution of “information comprises a location coordinate” etc. cannot be made in the *Asmuth* disclosure inasmuch as *Asmuth* does not disclose location information. As discussed above, *Asmuth* discloses use of a directory number, not location information. Therefore, not only is there no suggestion in either of the cited references for combining the teachings of the cited references, the teachings are in-fact, not combinable.

Therefore, for at least these reasons, Claims 15 and 17 are not obvious in view of the *Asmuth* and *Contractor* references. Accordingly, the rejection of Claims 15 and 17 should be reconsidered and withdrawn.

**Claim 44** For the reasons stated above with respect to Claim 37, *Asmuth* fails to disclose each and every element of the invention as set forth in Claim 37, and therefore fails to disclose each and every element of the invention set forth in Claim 44, which depends from Claim 37.

There is no suggestion in either of the cited references to combine their teachings. Moreover, substitution of “information comprises a location coordinate” etc. cannot be made in the *Asmuth* disclosure inasmuch as *Asmuth* does not disclose location information. As discussed above, *Asmuth* discloses use of a directory number, not location information. Therefore, not only is there no suggestion in either of the cited references for combining the teachings of the cited references, the teachings are in-fact not combinable.

Therefore, for at least these reasons, Claim 44 is not obvious in view of the *Asmuth* and *Contractor* references. Accordingly, the rejection of Claim 44 should be reconsidered and withdrawn.

**Claim 34** stands rejected under 35 U.S.C. §103 as being unpatentable over *Asmuth* in view of Ray (US Patent 6,289,083, “*Ray*”). In order to establish a *prima facie* case of obviousness under §103, there must be some suggestion or motivation to modify the references or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim

limitations. (MPEP §2143). As set forth below, the cited references do not disclose each and every element set forth in the claims, whether those references are considered alone or in combination, nor is there a reasonable expectation of success in combining the teachings of the references, nor is there any suggestion or motivation contained in the references to combine them. Accordingly, reconsideration and withdrawal of the rejections of Claim 34 as obvious are respectfully requested.

For the reasons stated above with respect to Claims 32 and 33, *Asmuth* fails to disclose each and every element of the invention as set forth in Claims 32 and 33, and therefore fails to disclose each and every element of the invention set forth in Claim 34, which depends from Claims 32 and 33.

Moreover, combining the teachings of the cited references is not suggested by either of the cited references and moreover, it is not workable. The Examiner states that components of the emergency services call center recited in Claim 32 read on various elements of the PSTN disclosed in *Asmuth*, as discussed above. However, there cannot be an interface with the PSTN when the PSTN itself is viewed as part of the emergency service call center itself.

Therefore, for at least these reasons, Claim 34 is not obvious in view of the *Asmuth* and *Ray* references. Accordingly, the rejection of Claim 34 should be reconsidered and withdrawn.

**Claim 4** stands rejected under 35 U.S.C. §103 as being unpatentable over *Asmuth* in view of Moore et al. (US Patent 5,506,897, "*Moore*"). In order to establish a *prima facie* case of obviousness under §103, there must be some suggestion or motivation to modify the references or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations. (MPEP §2143). As set forth below, the cited references do not disclose each and every element set forth in the claims, whether those references are considered alone or in combination, nor is there a reasonable expectation of success in combining the teachings of the references, nor is there any suggestion or motivation contained in the references to combine them. Accordingly, reconsideration and withdrawal of the rejections of Claim 4 as obvious are respectfully requested.

For the reasons stated above with respect to Claim 1, *Asmuth* fails to disclose each and every element of the invention as set forth in Claim 1, and therefore fails to disclose each and every element of the invention set forth in Claim 4, which depends from Claim 1.

There is no suggestion in either of the cited references to combine their teachings. Moreover, the modifying *Asmuth* to perform a point-in-polygon lookup would yield a nonfunctional result, inasmuch as a point-in-polygon lookup requires location information, but *Asmuth* does not disclose location information. As discussed above, *Asmuth* discloses use of a directory number, not location information. Therefore, not only is there no suggestion in either of the cited references for combining the teachings of the cited references, the teachings are in-fact, not combinable.

Therefore, for at least these reasons, Claim 4 is not obvious in view of the *Asmuth* and *Moore* references. Accordingly, the rejection of Claim 4 should be reconsidered and withdrawn.

**That Claims 25-27 are allowable** over the prior art of record is acknowledged.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,



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